

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SECURITIES AND EXCHANGE COMMISSION,)

Plaintiff,)

vs.)

EDWIN YOSHIHIRO FUJINAGA, *et al.*,)

Defendants.)

Case No. 2:13-cv-01658-JCM-CWH

ORDER

This matter is before the Court on Blaine T. Welsh's Response to the Order to Show Cause (#35), filed on January 24, 2014. It is also before the Court on Gerald W. Hodgkins, Gregory G. Faragasso, Richard E. Simpson, and Robert I. Dodge's Response to the Order to Show Cause (#37), filed on January 25, 2014, and Notice (#34), filed on January 23, 2014. On January 7, 2014, the Court issued an Order granting with modifications the parties' Proposed Discovery Plan and Scheduling Order (#29). *See* Order #30. In doing so, the Court noted that the parties failed to comply with Local Rule ("LR") 26-1. Accordingly, the Court ordered all counsel of record to submit a notice to the court by January 21, 2014 certifying that they have reviewed the corrections listed in the order in addition to LR 26-1. The above-noted attorneys failed to comply with the Court's Order. Accordingly, the Court issued an Order to Show Cause why Blaine T. Welsh, Gerald W. Hodgkins, Gregory G. Faragasso, Richard E. Simpson, and Robert I. Dodge should not be sanctioned.

After careful review of the response briefs and certification, the Court finds that no sanctions are warranted at this time. Blaine T. Welsh, Gerald W. Hodgkins, Gregory G. Faragasso, Richard E. Simpson, and Robert I. Dodge promptly responded to the Court's Order to Show Cause and explained that the failure to comply was due to an unintentional oversight given their limited involvement in the case.

1 Based on the foregoing and good cause appearing therefore,

2 **IT IS HEREBY ORDERED** that sanctions, including monetary sanctions and a
3 recommendation for civil contempt, shall not be imposed on Blaine T. Welsh, Gerald W.
4 Hodgkins, Gregory G. Faragasso, Richard E. Simpson, and Robert I. Dodge for their failure to
5 comply with a court order in violation of Federal Rule of Civil Procedure 16(f) and Local Rule
6 IA 4-1.

7 DATED this 28th day of January, 2014.

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10 **C.W. Hoffman, Jr.**
11 **United States Magistrate Judge**
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